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NSC FOR DORAN AND WATERS

E.O. 12958: N/A  
TAGS: [PGOV](#) [KDEM](#) [EG](#)  
SUBJECT: COURT DISCREDITS 2005 ELECTION RESULTS, BUT  
PARLIAMENT WILL HAVE THE LAST WORD

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Summary  
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¶1. (SBU) In a series of recent judgments, Egypt's Court of Cassation has ruled that results of nearly 100 contests in the 2005 parliamentary elections should be invalidated due to evidence of voting violations. Ultimate authority for overturning election results, however, remains with Parliament. End summary.

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Parliamentary Self-Protection...  
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¶2. (SBU) Judicial review of disputed parliamentary races by the Court of Cassation (which is responsible for ruling on voting violations) and the Supreme Administrative Court (which is responsible for ruling on matters pertaining to the eligibility of candidates) is an important feature of the Egyptian political landscape. In the aftermath of the 2000 parliamentary elections, the Court of Cassation and the Supreme Administrative Court invalidated the results of several dozen contests. Under Article 93 of the constitution, the NDP-dominated Parliament chose to disregard most of these rulings, thereby protecting the disputed elections in 2000 of NDP heavyweights like Zakariya Azmi (President Mubarak's chief of staff) and Finance Minister Yusuf Boutros-Ghali.

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...But Only For the NDP  
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¶3. (SBU) The Parliament did, however, approve the invalidation of several independent candidates, such as businessman Ramy Lakah (who was disqualified on the grounds that he was a dual citizen of France and Egypt) and Islamist Gamal Hashmat. In Hashmat's case, the court did not dispute his victory in a run-off election (which was a landslide for Hashmat who garnered over 13,000 votes to his opponent's 3600), but rather the court ruled that violations by one of Hashmat's opponents had skewed the race for second place. In the 2003 special election in Hashmat's district in Damanhour, heavy security force interference resulted in Hashmat receiving a paltry 965 votes, while his opponent, Khairi Kilig of the Wafd, secured nearly 17,000 votes.

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New Judicial Decisions Likely to Embarrass NDP  
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14. (SBU) Full details on the Court's recent rulings about the 2005 Parliamentary elections are not yet public, but press reporting suggests that the potentially affected deputies include dozens from the ruling NDP, as well as a handful from the legal opposition and the independents/Islamists. Veteran parliament-watcher Gamal Essam El-Din (protect) told poloff that he believes the NDP-controlled majority will follow precedent and opt not to sanction its own members.

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Comment  
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15. (SBU) Article 93 of the Constitution, which gives to Parliament the right to decide which judicial rulings against it must be enforced, is routinely invoked by Speaker Fathi Sorour, who is fond of quoting the legal dictum that "The Parliament is the master of its own (judicial) rulings." The Egyptian body politic will be watching closely to see if the NDP-controlled Parliament follows historical practice and ratifies only those court judgments that go against select opposition and independent candidates. If it does so, it is likely that the 88 independent members of Parliament who are affiliated with the Muslim Brotherhood will cry foul. In a related recent development, the National Council for Human Rights, a quasi-governmental body that has surprised many analysts with its frank criticisms of the Government's human rights and reform record, has recommended that Article 93 be amended so that court rulings against Parliament should be binding and non-reviewable.  
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